

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

ANTONIO BILOTTA,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

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Civil No. 5:18-CV-121-FDW-DSC

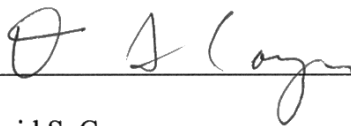
ORDER

Plaintiff's counsel filed a Motion for approval of attorney's fees under 42 U.S.C. § 406(b), in the amount of \$28,444.50. Attorney's fees under 42 U.S.C. § 406(b) are paid from past due benefits awarded to a successful claimant. Plaintiff has been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$20,000. Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$28,444.50. Plaintiff's counsel will refund to Plaintiff the smaller sum as between this amount and the EAJA award.

SO ORDERED.

Signed: September 15, 2021



David S. Cayer
United States Magistrate Judge

